



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

MAR 6 2003

Ms. Cary Krickeberg
Safety Manager
NM Transfer Co., Inc.
630 Muttart Road
Neenah, WI 54956

Ref. No. 02-0064

Dear Ms. Krickeberg:

This responds to your letter regarding empty packaging and prohibited labeling requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), as they apply to the transportation of empty packagings bearing a CORROSIVE label. We apologize for the delay in responding and hope it has not caused any inconvenience.

Your company transports empty 55 gallon drums to a reconditioner with no hazardous material information on the shipping paper, except that the drums are "triple rinsed. You asked, for empty packagings, if the shipping paper indicates in some manner that the drums have been rinsed or cleaned, or if there is no indication of whether or not the drums have been cleaned and purged of residue or vapors, must the CORROSIVE hazard warning label be removed?

Generally, empty packagings containing a residue of a hazardous material must be transported in the same manner as when they previously held a greater quantity of the material, unless the packagings are sufficiently cleaned of residue and purged of vapors to remove any potential hazard, or are reloaded with a material which is not subject to the HMR. A non-bulk packaging (e.g., 55 gallon drum) containing only the residue of a hazardous material collected and transported by contract or private carrier for reconditioning, remanufacture, or reuse is excepted from the shipping paper requirements in subpart C of part 172. Therefore, if the vendor is a private or contract carrier, it would not be subject to the shipping paper requirements (see § 173.29(c)(2)).

An empty packaging is not subject to any other requirement if any hazardous material shipping name and identification number markings, any hazard warning labels (e.g., CORROSIVE) or placards, and any other markings indicating that the material is hazardous (e.g., RQ) are removed, obliterated, or securely covered in transportation. However, the markings, labels and placards do not have to be removed, obliterated or covered in transportation in a transport vehicle or freight container if: (1) The packaging is not visible in transportation and the packaging is loaded by the shipper and unloaded by



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173.29

the shipper or consignee; (2) The packaging is unused; (3) Is sufficiently cleaned of residue and purged of vapors to remove any potential hazard; (4) Is refilled with a material which is not hazardous to such an extent that any residue remaining in the packaging no longer poses a hazard; or (5) contains only the residue of certain materials specified in § 173.29(b)(2)(iv).

In addition, the prohibited labeling requirements in § 172.401 do not apply to a packaging bearing a label (e.g., CORROSIVE) if that packaging is: (1) Unused or cleaned and purged of all residue; (2) transported in a transport vehicle or freight container in such a manner that the packaging is not visible during transportation; and (3) Loaded by the shipper and unloaded by the shipper or consignee (see § 172.401(d)).

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Delmer F. Billings".

Delmer F. Billings
Chief, Standards Division
Office of Hazardous Materials Standards

On time. We guarantee it.



Engram

§ 173.29

§ 172.401 (a)(1)(i)(a)(2)

*Empty Packagings
Prohibited Labeling*

02-0064

January 17, 2002

Mr. Ed Mazzullo
Director - Office of Haz/mat Standards
DHM-10 RSPA
400 7th St. S.W.
Washington, D.C., 20590-0001

Dear Mr. Mazzullo;

My company currently picks up and transports shipments for several shippers who ship empty 55 gallon drums that still have DOT corrosive labels on them. The drums are going to a re-conditioner and will be transferred several times before they reach final destination. The shipper is providing no hazardous material information on the shipping papers, but in some shipments they indicate the drums are "triple rinsed", and in other shipments they fail to indicate if the drums have been cleaned. The shipper advises that he does not have to remove the DOT labels from the drums because of the information found in 173.29 (c) (1) (2). He also justifies it based on a regulation (that I am unable to locate) that allows for keeping labels on empty drums when they are being shipped to a final destination in which they will be repackaged, reconditioned, or reused.

1) In the example listed above, if the shipping paper indicates in some form that the drums have been rinsed or cleaned, do the DOT labels have to be removed?

2) If the shipping paper does not indicate any cleaned or purged status of empty drums with labels still applied, then am I correct in assuming that the wording (along with the basic description) as listed in 172.203(e) must be included on the shipping paper?

I appreciate any information you could provide us in regards to these concerns.

Sincerely,
N&M Transfer Co., Inc.

Cary Krickeberg
Cary Krickeberg
Safety Manager

ck